

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE

AIR CARGO SHIPPING SERVICES
ANTITRUST LITIGATION
MDL No. 1775

06-MD-1775 (JG) (VVP)

THIS DOCUMENT RELATES TO:
All Actions

**NOTICE OF MOTION FOR THE APPROVAL OF AN
AWARD OF ATTORNEYS' FEES AND EXPENSES AS RECOMMENDED
BY SETTLEMENT MASTER JUDGE DANIEL H. WEINSTEIN**

Please take notice that, upon the Declaration of Daniel H. Weinstein, dated November 12, 2008; the Declaration of W. Joseph Bruckner, Craig C. Corbitt, Robert N. Kaplan, Christopher Lovell, Hollis L. Salzman, Howard J. Sedran, Charles E. Tompkins, and Steven N. Williams in Support of Final Approval of the Settlement Agreement Between Plaintiffs and Lufthansa; Plaintiffs' Application for Attorneys' Fee and Reimbursement of Expenses, and the Plan of Allocation, dated November 12, 2008, and the compendium of 64 declarations in support of that declaration; Plaintiffs' Memorandum of Law in Support of an Award of Attorneys' Fees and Expenses as Recommended by Settlement Master Judge Daniel H. Weinstein, and exhibits thereto; and all other papers and proceedings herein, plaintiffs will move this Court on a December 12, 2008 at 11:30 a.m., or as soon thereafter as counsel may be heard, before the Honorable John Gleeson, United States District Judge, at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, in the Ceremonial Courtroom, pursuant to (i) Rule 53(f) of the Federal Rules of Civil Procedure; (ii) the Order Approving a Procedure for the Allocation of the Settlement Fund Under the Lufthansa Settlement Agreement and Appointing Daniel H. Weinstein as Settlement Master, dated October 30, 2007; (iii) the Memorandum of

Magistrate Judge Viktor V. Pohorelsky, dated January 18, 2008; and (iv) the terms of the Settlement Agreement between Air Cargo Plaintiffs and Defendants Deutsche Lufthansa AG, Lufthansa Cargo AG, and Swiss International Air Lines Ltd., dated September 11, 2006, as subsequently amended; for an order adopting the recommendation of Settlement Master Judge Daniel H. Weinstein and awarding an attorneys' fee of 25% of the Lufthansa settlement fund, and reimbursement of \$ 2,455,088.80 in expenses incurred in the prosecution of this action.

Dated: New York, New York
November 12, 2008

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¹ Michael D. Hausfeld was personally appointed Co-Lead Counsel by the Court while at his prior firm, Cohen, Milstein, Hausfeld & Toll, PLLC. Each of the attorneys with primary responsibility for litigating this case, including Mr. Hausfeld, are now at Hausfeld LLP. A Notice of Change Affiliation and Motion to Amend the Court's November 15, 2006 Decision and Order and Pretrial Orders No. 3 and 4 to reflect this change of firm affiliation is currently pending before the Court. All representative plaintiffs that had retained Michael Hausfeld in this matter, including Volvo, H&M, Geodis Wilson (formerly TNT), KappAhl, AB Lindex, Association des Utilisateurs du Transport de Fret ("AUTF"), IKEA and Olarte, have been apprised of this change of firm affiliation, have been given the choice of being represented by Michael Hausfeld or by Cohen, Milstein, Sellers and Toll (CMST), and support Michael Hausfeld's continuing in his Court-appointed positions. Nevertheless, Hausfeld LLP and the other Co-Lead Counsel have agreed to allow CMST to remain on the signature block pending entry of an order on Hausfeld LLP's motion so that these papers can be timely filed.